



Borough of Woodbury Heights Planning/Zoning Board  
500 Elm Avenue Woodbury Heights, New Jersey 08097

## Minutes

November 7<sup>th</sup>, 2016

Mr. Farrell called the Meeting to order at 7:04 pm.

Pledge of Allegiance

“THIS MEETING HAS BEEN DULY ADVERTISED AND HAS BEEN POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND CONFORMS TO THE DIRECTIVES OF THE ‘OPEN PUBLIC MEETINGS ACT’ OF THE STATE OF NEW JERSEY”

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ROLL CALL: Present: Bruce Farrell, Joseph Martino, Sean Flynn, Mayor Conley, Lou Deeck, Stephen Hart, Councilman Pye, Victoria Holmstrom, Erin Frombach, Michael McCabe, Scott Norcross, Debbie Sesko  
Absent: Harry W. Elton, Jr.

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A motion was made by Mayor Conley to approve the minutes from the October Regular Meeting. The motion was seconded by Mr. Martino. The minutes were approved by the following roll call: Mr. Farrell, yes, Mr. Flynn, yes, Councilman Pye, yes, Mr. McCabe, yes, Mr. Norcross, yes, Mrs. Sesko, yes.

Mr. John Shindle of the Ward Law Firm was called upon to present the application for A.C. Schultes. They are requesting an extension of the previous approval of a Site Plan. Gary Civalier, the applicant's engineer, was also introduced. Mr. Borelli clarified the extension requested was requested for two years, and would date back to December 2015. Mr. Borelli also observed that the street vacation for said application has not taken place, and deferred to Mr. Brunermer to address any concerns he may have. Mr.

*Bruce Farrell, Chairman*

Borelli then asked the applicant to step forward for a brief review of the previously approved application.

Mr. Civalier stepped forward. He stated that he prepared the original plans. He expressed the wishes of the applicant to construct a building adjacent to the existing structures on the applicant properties. Requirements of a new water main extension have been added to the plan, for the side road off Evergreen Avenue, as well as an additional fire hydrant and a fire service line. These are items suggested at the original approval and have been added to the plan. Mr. Civalier stated that there are no other changes and that the applicant wishes to extend the application to make said improvements.

Mr. Farrell asked for clarifications. Mr. Brunermer clarified that the conditions of the previous approval were to go to council and get approval from the Fire Department; which has not yet occurred.

Mr. Brunermer's report followed. Mr. Brunermer recalled a letter issued by Mayor and Council in 2009, in which they outline some stipulations to be met, including approval from the fire department for the additional hydrant and lines.

It was explained that the roadway to be vacated would be done so for the for access, which would include the termination of the street lights. PSE&G would need to be contacted to terminate the services, on private property. Mr. Brunermer, stated that these matters would be addressed as a part of the vacation. As it is private property, the borough would not need to pay for services.

Mr. Farrell clarified that the extension requested would take the approval to the end of 2017. All agreed.

Ms. Cuvillo, the Borough Planner, was called upon for her report. She wanted to remind the applicant of the 2.5% CoA fee they are subject to as part of their approval and state legislation.

Mr. Borelli asked if Mr. Civalier had any objections to Mr. Brunermer's letter. He stated that he had no objections.

Mr. Farrell asked for questions from the Board.

Mayor Conley asked if the project was to be completely within the next year. The applicant responded that they would like to start as soon as possible. They would appreciate two years. Ms. Cuvillo then clarified that the two year extension would only take the applicant to December of 2017. She recommended the start of the vacation as soon as possible.

The meeting was opened to the public. There was nothing from the public, the public portion was closed.

A motion was made to approve of the application for extension by Mr. Martino, and seconded by Mr. Deeck. The extension was approved with the following roll call: Mr. Farrell, yes, Mr. Martino, yes, Mr. Flynn, yes, Mayor Conley, yes, Mr. Deeck, yes, Mr. Hart, yes, Councilman Pye, yes, Mrs. Holmstrom, yes, Mrs. Frombach, yes.

Mr. Brunermer was called upon to discuss existing corner lot ordinances. He referred to a packet he distributed with the definitions provided by the Borough Code, as to side yards and front yards on corner lot. He explained that the question has arisen within the board with as to with two front yards, is there one back yard and one side yard or two side yards on said properties. According to Borough code, Mr. Brunermer explained, the decision it is left to the Code Official to determine based on input from the Board. Mr. Brunermer then expressed his concern that if anyone, it should be deferred to the zoning official. Mr. Brunermer then asked if it was the Boards wishes to leave the interpretation to the Code Official.

Mayor Conley expressed his wish to outline a new definition. Discussion ensued. Ms. CuvIELLO explained that the Ordinance would need to be amended to determine which yard would be the rear and which would be the side, and then section 49 of the Borough Code would also need to be altered. She also explained, because of the development of the town, what is most likely to come before the board is an existing building wishing to add an addition. Discussion ensued regarding developable properties in town.

Mr. Borelli suggested it may be better to clarify the stipulations rather than to leave it up to the interpretation of any official. Mayor Conley agreed, the definition should be simplified and able to be interpreted clearly by anybody reading the code.

Mr. Farrell suggested that the yard opposite the address side would be considered the rear yard and anyone with conflict is welcome to come before the board. Ms. CuvIELLO then added that on an undeveloped lot, the largest yard area would be classified as the rear yard for purposed of the setback requirements. It was suggested that a diagram be included in any changes.

Mr. Brunermer also presented some question with the current code requesting that pool fences be 10 feet from the property line. It was determined that the 10 foot stipulation be removed. A formal recommendation will be made to the board by the professionals at a meeting to follow.

The meeting was opened to the public. Bob Yerka was called upon. He asked the board to clarify that all existing pools and fences would be grandfathered in with any changes. The board confirmed that he was correct. With nothing else from the public a motion was made to close the public portion. All in favor- motion carries.

Mr. Martino made a motion to close the regular meeting. Mr. Flynn seconded the motion. All in favor- Ayes closed the meeting.

Shannon Elton, Secretary

*Bruce Farrell, Chairman*